IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.1148/2001.

Dilip Kumar. **VERSUS** Smt.Heradevi & Ors.

11.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Shobhit Tiwari, for the petitioner.
Mr.S.Narania on behalf of
Mr.R.D.Rastogi]
Mr.Rajesh Kapoor] for the respondents.

*****

In the writ petition, the prayer made is for setting aside the judgment (Annexure-3) which is the award passed by the learned Tribunal under the Motor Vehicles Act.

So far as the above prayer is concerned, the petitioner is entitled to file an appeal under Section 173 of the M.V.Act. There being an alternative remedy provided under the statute, the writ petition is not maintainable. Consequently, the learned counsel for the petitioner submits that he may be permitted to withdraw the writ petition and file an appeal. The prayer is allowed.

Consequently, the writ petition as well as the stay application are dismissed as withdrawn with liberty to the petitioner to file appeal in accordance with the provisions of M.V.Act. The petitioner would be entitled to move an application for condonation of delay on account of pendency of the writ petition.

Subject to the above, the writ petition as well as the stay application stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.